

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHANDA UY,

Plaintiff,

v.

LOPEZ, ARREANO, STEWART,
CHAVEZ, J. ELLEN, DLEGADO,

Defendants.

Case No. 1:22-cv-00963-JLT-HBK (PC)

ORDER GRANTING APPLICATION TO
PROCEED *IN FORMA PAUPERIS*

(Doc. No. 2)

ORDER DIRECTING INITIAL PAYMENT
OF INMATE FILING FEE BY THE
CALIFORNIA DEPARTMENT OF
CORRECTIONS

Plaintiff, a prisoner, initiated this action on July 26, 2022, by filing a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983. (Doc. No. 1, Complaint). Plaintiff seeks leave to proceed *in forma pauperis* on her Complaint and submitted a copy of his prison trust fund statement and a Certification from prison officials in support. (Doc. Nos. 2, 9). Plaintiff has made the showing required by § 1915(a) to proceed *in forma pauperis* but remains obligated to pay the statutory filing fees as set forth in 28 U.S.C. § 1915. **Plaintiff is obligated to make an initial payment of \$12.00¹ (20% of the average 6-month balance immediately preceding the filing of the complaint). *Id.*, § 1915(b)(1)(B).** Thereafter, Plaintiff is required to make monthly payments of 20% of the preceding month's income credited to his trust account. The California

¹ According to the Certification, Plaintiff's average monthly balance for the 6-month preceding the filing of the Complaint was \$60.66. (Doc. No. 9).

Department of Corrections is required to send the initial \$12.00 payment to the Clerk of the Court and subsequent payments from Plaintiff's account each time the amount in his account exceeds \$10.00, until the statutory filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

ACCORDINGLY, it is **ORDERED**:

1. Plaintiff's motion to proceed *in forma pauperis* (Doc. No. 2) is GRANTED.

2. **The Secretary of the California Department of Corrections, or his designee shall forward an initial payment of \$12.00 to the Clerk of the Court from Plaintiff's prison trust account in accordance with 28 U.S.C. § 1915(b)(1)(B) and shall make future monthly payments in an amount equal to twenty percent (20%) of the preceding month's income credited to the Plaintiff's trust account each time the amount in the account exceeds \$10.00, in accordance with 28 U.S.C. § 1915(b)(2), until a total of \$350.00 has been collected and forwarded to the Clerk of the Court.** The payments shall be clearly identified by the name and number assigned to this action.

3. The Clerk of the Court is directed to serve a copy of this order and a copy of Plaintiff's *in forma pauperis* application on the Secretary of the California Department of Corrections, via the court's electronic case filing system (CM/ECF).

4. The Clerk of the Court is directed to serve a copy of this order on the Financial Department, U.S. District Court, Eastern District of California.

Dated: August 8, 2022


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE